

S. 129

Senate Natural Resources & Energy Committee

Comments By Vince Illuzzi

State Senator (1981 – 2013), Essex/Orleans

April 7, 2021

Thank you for this opportunity to speak to the committee about S. 129. I would like to thank Sen. Campion for opening up the discussion about this important public policy issue, to say thank you to those who have been marshaling resources in support of the management and protection of the state's fish and wildlife, and to Sen. Bray and committee members for taking the time to fit this bill into your schedule.

As a backdrop to my comments, let me say that I support the goal of S. 129, but not the method by which that goal is achieved. The bill as introduced would put the biologists and other professionals at the Department of Fish & Wildlife in charge of making wildlife and habitat management decisions. I would achieve that goal in a slightly different way. As our dear friend Sen. Bill Doyle would often say, during his five decades in the Vermont Senate, "Experts should be on tap, but not on top." I suggest using an approach is successfully used with other boards, wherein different groups nominate members to serve on a board or commission. This approach would help ensure that there are a diversity of opinions on the Board as it writes Fish & Wildlife regulations. We successfully used that approach, for example, when we reorganized the method by which the members of the Vermont State Labor Relations Board are appointed. In that example, labor and business interests each nominate candidates likely to represent their diverse interests and viewpoints, and then they together recommend neutral members for appointment.

After I was first elected to the Senate in 1980, I remember vividly arriving at the State House on a cold day in January 1981 and soon thereafter meeting Iris Muggenthaler. Hers was a lone voice advocating against trapping wildlife because of the sheer cruelty inflicted on the animals captured. Forty years ago, Vermont was a different place. There were many people alive in the 1980s who had been born in the early part of the 20th century, and lived through the Great Depression. Forty years ago, hunting and fishing to put food on the table was still a very real part of life for many

Vermonters. Iris would make her solitary pilgrimage to the State House every year: not to outlaw hunting and fishing, but to hand out information, to speak with the few legislators who would stop and listen to her in the Card Room and to make a pitch to outlaw leghold traps. Many of the arguments she made then fell on deaf ears, but she spoke eloquently about the need to maintain a balance in the ecosystem. She decried the wanton waste of wildlife for furs, which were rapidly being replaced by synthetic materials. She expressed her fervent wish that state policy would respect animals for the remarkable creatures that they are and that we are blessed to have in our rural state.

Later, in the early 1990s, the General Assembly renamed the Department of Fish & Game, designating it instead as the Department of Fish & Wildlife. The theory behind the name change was to give notice to the public that the Department's mission was evolving. No longer would the Department gear its policies simply to promoting hunting animals and fishing; instead, the mission would become more balanced. The Department would work to protect and increase essential habitat and take steps to avoid the wanton waste of wildlife.

Just think for a few moments about the amazing creatures that live around us. Large or small, they get by on their own instincts. They don't rely on high powered scopes and rifles to achieve their ends. They have basic goals and needs – surviving the harsh environment, hunting and gathering enough food to sustain themselves and their offspring, and finding mates so that they can reproduce. Not one kills for the sake of killing. In fact, all the animals around us help maintain what children learn from watching the Lion King – the fragile circle of life that moves us all. And the message from that Disney movie is one we acknowledge but have never quite learned: that we should be extremely careful before tampering with the circle of life.

As I wrote in a recent letter to the editor, posted in response to the killing of a bobcat for no purpose other than to kill it: “We must learn to live with wildlife. They're part of the environment. They're just trying to make a living and get by just like we are. We have our spaces and they have theirs and usually everyone can get along when everyone stays in their space and respects the space of the other.” Here is the photo supplied for publication by the shooter, Josh Riley of Bloomfield. The Barton Chronicle published it on its front page on Jan. 27, 2021:

Wanton Waste Of Wildlife



BARTON CHRONICLE: “Josh Riley of Bloomfield shot this 20 pound female bobcat on Monday, January 25, in Bloomfield. Mr. Riley said he shot her at 204 yards with his .223 rifle around 4:15 p.m. [Mr. Riley previously hung several dead coyotes in the front of his house, leading to complaints to DFW.]

“Photo courtesy of Mr. Riley”

Ever since last March when the world realized that COVID-19 was a deadly virus, we have been repeatedly reminded to “follow the science.” The moment we live in today has made that admonition painfully clear. The preponderance of evidence tells us that Covid-19, like SARS, is caused by a coronavirus that jumped from bats to humans (perhaps via pangolins or another kind of animal) at a live animal market in Wuhan, China. That is but one reason why we must begin to shape a new human-wildlife relationship. As Vermont has done on several policy issues, this state should consider leading the way on this one, too. And the first step begins with this committee.

As our human footprint gets heavier and leaves larger tracks here in Vermont and around the world, our economy, our climate and our culture are all changing. Worldwide, wildlife populations have shrunk by two thirds in the last 50 years. Here in Vermont there are now 36 animals designated as endangered and 16 others designated as

threatened.¹ Our Agency of Natural Resources says Vermont is losing more than 1,500 acres of “significant wildlife habitat” every year. In her April 5, 2021 article, “Where the Wild Things Go,” New Yorker staff writer Kathryn Schulz wrote:

“Over the past few centuries, we have confined wild animals to ever-smaller remnants of wilderness, surrounded by farmland or suburbs or cities. When those remnants cease to provide animals what the animals need, they will have nowhere left to go.”²

Kate Jones, chair of ecology and biodiversity at University College, London, writes: “There needs to be a cultural shift from a community level up, about how we treat animals, our understanding of the dangers and biosecurity risks that we’re exposing ourselves to. That means leaving ecosystems intact, not destroying them.”

S. 129 is an important step in that direction. Today, the Fish and Wildlife Board sets the policy that impacts our fish and wildlife. The scientists and credentialed professionals at the Fish and Wildlife Department are advisers. Unlike many other boards and commissions, there is no requirement that the Board include individuals who represent the diverse interests that help ensure we have an intact ecosystem. The sole requirement in the statute is that there be one member from each of Vermont's 14 counties and that members reside in the county where they were when appointed for the entire 6-year term of office. That's it. I believe the interests represented on the Board must be broadened. The Board should certainly include members who want to hunt and fish, **which I expressly support**, but it should also include members who understand the importance of a balanced ecosystem, and it should include members who recognize that the **wanton waste of wildlife**, **which I expressly oppose**, will no longer be accepted as state policy.

Below is a photo recently posted on Facebook by someone who killed two coyotes that weren't harming anything or anyone. The shooter wrote that "coyotes are raising hell with deer, so I evened the odds a little bit today. Big male with his girlfriend." That same reasoning (I hesitate to call it logic) would support an open season to kill all deer because deer "raise hell" with garden plants and shrubs and get in the way of vehicles on the highway, causing property damage. We could kill all bears in an open season because they "raise hell" with bird feeders and garbage cans as they look for food. You can see how this self-developed policy would result in the elimination or extinction of

¹ Included on the list of endangered species are martens, Canadian lynx, spruce grouse, a variety of sparrows and a variety of bats.

² <https://www.newyorker.com/magazine/2021/04/05/why-animals-dont-get-lost>

any species of fish or wildlife and destroy a part of the state's ecosystem.

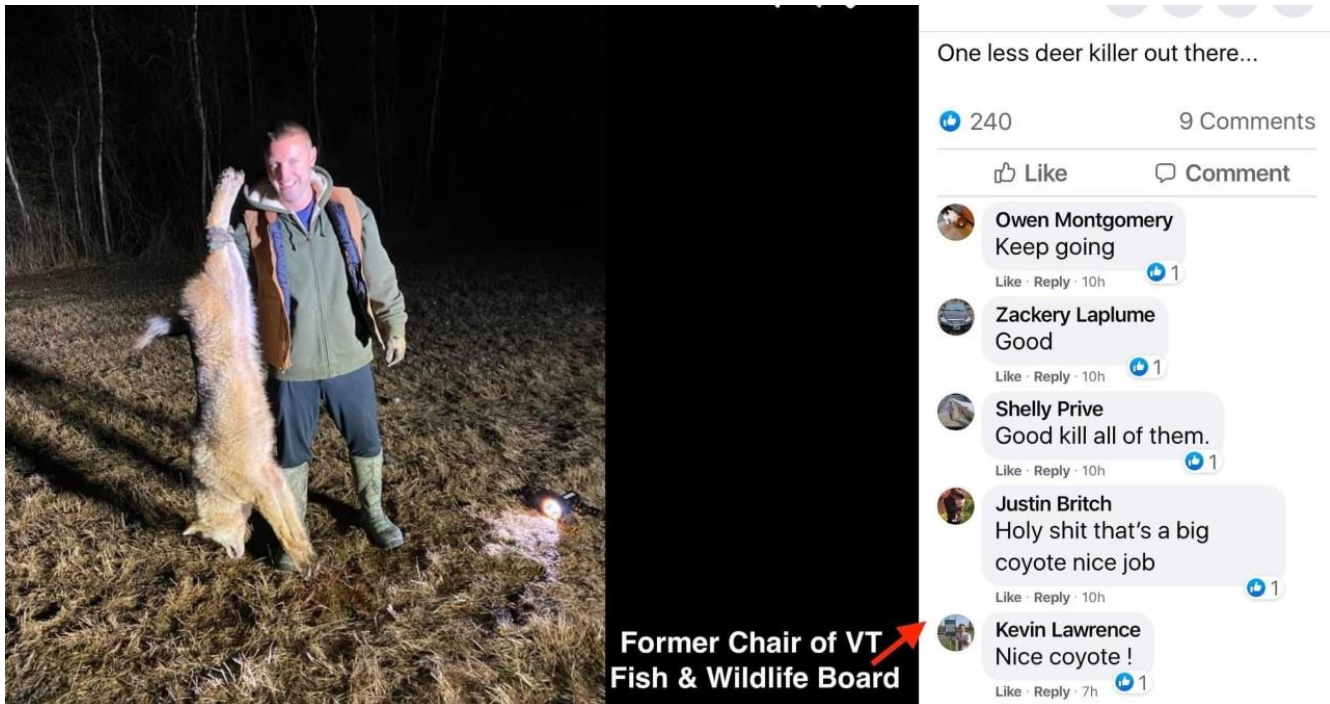
Example #1 (Coyotes are raising hell with deer. . .)



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This photo was posted by Thomas Deblois on the VT Deer Hunting FB page on March 7, 2021. He or someone wrote: "Coyotes are raising hell with deer, so I evened the odds a little bit today. Big male with his girlfriend." Photo Published On Vermont Coyote Coexistence Coalition (VCCC) on Facebook, March 9, 2021

Example #2 (“One less deer killer out there”)



Published by Gilles Owen on 802 Hunt Crew on Facebook on Apr 2, 2021.

Today, a growing number of Vermonters believe we need to change the way Vermont state government manages the wildlife we are so lucky to have around us. These Vermonters can petition the Board and the Board can simply choose to quash the petition, as it has done. That happened to a group of law students from Vermont Law School who petitioned for a defined coyote season. The petitioners proposed that there should be rules so that you can't go out and shoot an unlimited number of coyotes anytime, anyplace, 365 days a year. That petition didn't even see the light of day.

The Vermont Constitution declares that the:

"... inhabitants of this state shall have liberty in seasonable times, to hunt and fowl on the lands they hold, and on other lands not inclosed, and in like manner to fish in all boatable and other waters [not private property]."

But that same Article 67 makes the fish and wildlife of Vermont a public trust, by specifying that those rights are to be exercised:

"... under proper regulations, to be made and provided by the General Assembly."

It is our responsibility through the General Assembly to manage that trust by adhering to the highest fiduciary duty. In order to do that, we must recognize that governance can no longer serve any special interest. On the contrary, it must serve the public interest.

To manage this trust in the public interest, the job of setting policy and establishing regulations may be vested in a board, but it must be a board with diverse membership. That membership should certainly include those who hunt and fish. For the regulations to be "proper," in the language of our Constitution, the Fish and Wildlife Board must also include ecologists, biologists and scientists, members who will be able to fashion policies and regulations that serve these diverse goals.

Thank you.